

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

IRVIN TERRELL TATUM,

No. C 08-3680 WHA (PR)

Petitioner,

ORDER OF DISMISSAL

vs.

ROBERT HOREL, Warden,

Respondent.

This is a habeas case filed pro se by a state prisoner. He seeks to challenge a rules violation conviction which resulted in his being placed in the Security Housing Unit. Because petitioner did not lose any good time as a result of the conviction, it appeared that the disciplinary conviction might not be a proper subject of a habeas petition. *See Moran v. Sondalle*, 218 F.3d 647, 650-52 (7th Cir. 2000); *Badea v. Cox*, 931 F.2d 573, 574 (9th Cir. 1991) (civil rights action is proper method of challenging conditions of confinement); *Crawford v. Bell*, 599 F.2d 890, 891-92 & n.1 (9th Cir. 1979) (affirming dismissal of habeas petition on basis that challenges to terms and conditions of confinement must be brought in civil rights complaint). Petitioner was ordered to show cause why the petition should not be dismissed. He has responded.

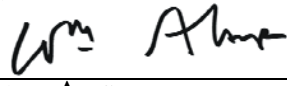
In his response petitioner contends only that the petition should be allowed to proceed because his constitutional rights were violated in the disciplinary proceeding. This does not go to whether the proceeding affected the fact of his confinement or the length of it. The petition therefore will be dismissed.

CONCLUSION

For the reasons set out above, the habeas petition is **DISMISSED**. The clerk shall close the file.

IT IS SO ORDERED.

Dated: September 10, 2008.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE